

London Borough of Barnet,  
2 Bristol Avenue,  
Colindale,  
London NW9 4EW  
10 November 2021  
Our ref: 7725772

Thank you for your request received on 13 October 2021, for the following information:

**Following the submission of updates to the application I request the following further information and clarifications. The request should be directed to Ben Thomas who is listed as the applicant of this scheme.**

- 1. I wish to see emails between the applicant and the planning authority as well as the planning authority's meeting notes related to the decision to change the proposed scheme use class from C2a to Sui Generis.**
- 2. The applicant has referred to legal advice to claim that there is no restriction on blocking off the alleyway (Appendix 1, row 5). I wish to see that advice.**
- 3. The applicant says 'the Met Police who have confirmed the Site's suitability' (Appendix 1, Row 2). I question the veracity of this statement and would like to see where they have said this. I am already aware of PC Steve Downing and PS Craig Martin's letters. To characterise them as 'confirming the site's suitability' is a misrepresentation. I therefore would like to see on what basis the applicant makes this statement.**
- 4. Cllr David Longstaff advised in an email to me that the applicants were initially advised by planners/lawyers that C2a was the appropriate use class. I wish to see that initial advice.**
- 5. I wish to see the legal advice that says that Sui Generis is now the appropriate use class. I am puzzled as to why the use class has been changed now following the initial consultation. I did not see any consultee comments which suggested that the wrong use class had been selected.**

**I am happy for you to send me the information above which you already have and information which you need to request can follow thereafter.**

We have processed this request under the Environmental Information Regulations 2004.

## **Response**

I am writing to inform you that we have searched our records and although we hold some of the information requested, some of the information you requested is not

held by London Borough of Barnet.

We have provided answers to your request below.

***Following the submission of updates to the application I request the following further information and clarifications. The request should be directed to Ben Thomas who is listed as the applicant of this scheme.***

***1. I wish to see emails between the applicant and the planning authority as well as the planning authority's meeting notes related to the decision to change the proposed scheme use class from C2a to Sui Generis.***

The advice is finalised in the pre-application advice given on 2 July 2021, which is attached. The Local Planning Authority sought legal advice and this is exempt. See Refusal Notice below.

***2. The applicant has referred to legal advice to claim that there is no restriction on blocking off the alleyway (Appendix 1, row 5). I wish to see that advice.***

I can confirm no legal advice held in relation to blocking off alleyway. The London Borough of Barnet does not hold this information, please contact by Barnet Homes.

Housing services (including homelessness, allocations, housing repairs and so forth) are provided by Barnet Homes who are an Arm's Length Management Organisation (ALMO) who manage the council's housing stock and associated services on the council's behalf. They are a public authority under Freedom of Information Act 2000 and so you may make a FOI request to them. Their contact details are:

Email: [talk2us@barnethomes.org](mailto:talk2us@barnethomes.org)

Post: The Data Controller

Barnet Homes

2 Bristol Avenue,

Colindale,

London NW9 4EW

Please make your request directly to Barnet Homes.

Subject to legal advice privilege. See Refusal Notice below

***3. The applicant says 'the Met Police who have confirmed the Site's suitability' (Appendix 1, Row 2). I question the veracity of this statement and would like to see where they have said this. I am already aware of PC Steve Downing and PS Craig Martin's letters. To characterise them as 'confirming the site's suitability' is a misrepresentation. I therefore would like to see on what basis the applicant makes this statement.***

It was on the basis of the attached risk assessment, including Appendix 4, which was completed in partnership with the Police.

***4. Cllr David Longstaff advised in an email to me that the applicants were initially advised by planners/lawyers that C2a was the appropriate use class. I wish to see that initial advice.***

Subject to legal advice privilege. See Refusal Notice below

***5. I wish to see the legal advice that says that Sui Generis is now the appropriate use class. I am puzzled as to why the use class has been changed now following the initial consultation. I did not see any consultee comments which suggested that the wrong use class had been selected.***

Subject to legal advice privilege. See Refusal Notice below

## **Refusal Notice**

### **R12(4)(a) Information not held**

For Q2, regulation 12(4)(a) applies to your request. Regulation 12(4)(a) provides an exception to the duty to disclose information when information is not held.

### **R12(5)(b) The course of justice, fair trial or inquiry of a criminal or disciplinary nature**

For Q1, Q2, Q4 and Q5, the information you require is subject to legal professional privilege as it concerns legal advice sought by the applicant.

We have considered the public interest the disclosure of this information. These factors are that the decision making processes of public functions should be transparent and open to scrutiny in order to inform the public debate.

The public interest in withholding the information is that people are confident they can be completely frank and candid with their legal adviser when obtaining legal advice, without fear of disclosure, which in turn is fundamental to the administration of justice. The disclosure of legal advice and assistance could lead to less in-depth analysis of the issues in respect of which legal advice has been requested and inadequate records being maintained leading to poorer and less consistent decision making by individuals on behalf of the House. There could also be a reluctance to seek advice at all.

In these circumstances of the case it is our view that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **Further information**

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <http://open.barnet.gov.uk/>

### **Advice and Assistance : Direct Marketing**

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference.

You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link [www.ico.org.uk](http://www.ico.org.uk)

**For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.**

### **Your rights**

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: [foi@barnet.gov.uk](mailto:foi@barnet.gov.uk). Or by post to Records & Information Management Service, Assurance Group, London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website [www.ico.org.uk](http://www.ico.org.uk)). There is no charge for making an appeal.